

**CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

THURSDAY, SEPTEMBER 7, 2017

Members Present: Council Members Appllys, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien, Robinson

Staff Present: Gerald Campbell, Marisa Franchini

The roll being called, the meeting was called to order by President Pro Tem Conti at 7:10pm; President Pro Tem Conti led the body in reciting the Pledge of Allegiance followed by a Moment of Silence.

Public Comment Period

The following members of the public spoke:

- 1) Blue Carraker – 1601 Broadway 2nd Floor Rensselaer, NY 12144 – Identification of Law Enforcement Officers - Ordinance 37.82.17
- 2) Billy Easton – 75 Willett Street #4A Albany, NY 12210 - Identification of Law Enforcement Officers - Ordinance 37.82.17
- 3) Alana Klein - 29 Glenwood Street, Albany, NY 12208 – DACA & Homelessness

There being no further speakers, President Pro Tem Conti declared the Public Comment Period closed.

Approval of Minutes from Previous Meeting

Majority Leader Herring made a motion, which was duly seconded, to approve the minutes of the August 21, 2017 meeting of the Common Council; the motion was adopted by unanimous voice vote.

Consideration of Local Laws

Majority Leader Herring held the Local Laws on the agenda for further consideration.

Reports of Standing and Ad Hoc Committees

Planning, Economic Development and Land Use: Council Member Herring reported that the Committee met on August 30 to consider the Mayor's reappointment of Richard Berkely to the Board of Zoning Appeals and again on September 7 to consider the Mayor's appointment of Serena Joyce White to the Board of Zoning Appeals. Both appointments were reported to the full Council with a favorable recommendation.

Public Safety: Council Member Golby reported that the Committee met on August 28 to consider Ordinance 37.82.17 in relation to identification of law enforcement officers when interacting with members of the public. The Committee reported the ordinance with amendments to the full Council with a favorable recommendation.

Consideration of Ordinances

Council Member Golby noticed the introduction of Ordinance 38.91.17.

AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Article I of Chapter 323 of the Code of the City of Albany is hereby amended to read as follows:

§ 323-21 Snow and ice removal from sidewalks and streets.

A. Within 24 hours of the cessation of a snowfall and at such other occasions requiring the same, every owner or occupant of any house or other building and the owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot or gasoline service station and every person having the charge of any church, cemetery, jail or other public building in this City shall clear the sidewalks in front of such house or other building and in front of such lot of snow and ice and keep them conveniently free therefrom or shall, in case the snow and ice are so congealed that they cannot be removed without injury to the pavement, cause said snow and ice to be strewn with ashes, sand or the like and shall also at all times keep such sidewalk clean and free from all dirt, filth or other obstruction or encumbrances so as to allow the use of said sidewalks in an easy and commodious manner.

B. In no event shall any owner or proprietor, lessee or person entitled to the possession of any vacant lot, parking lot, gasoline service station or public garage cast, shovel or otherwise deposit snow and/or ice in the roadway of any public street in the City of Albany or upon any public sidewalk and/or crosswalk in said City.

C. The Commissioner of General Services shall promulgate rules to gather complaints and shall deploy the necessary personnel to investigate complaints as set forth in section 323-22 ~~and issue a notice to clear the sidewalk if necessary within 24 hours of such complaint.~~ If such complaint is brought against a county, state, or federal entity, that entity shall be notified of the complaint and urged to clear the sidewalk ~~within 24 hours~~ as soon as possible.

§ 323-22 Commissioner of General Services; cleaning snow and/or ice off sidewalks; costs.

A. Where there has been a failure to comply with the requirements of § 323-21 ~~within 24 hours,~~ the Commissioner of the Department of General Services or his or her designee may, in his or her discretion, cause said sidewalk to be cleaned of snow and/or ice, the cost of which shall be charged to the owner of the property adjacent thereto, and, if unpaid within the time prescribed, shall be added to the tax bill assessing said property, which shall be and remain a lien against the property upon or adjacent to which the work is done and collected by the City from the owner of such property in the same manner as taxes are collected. The City may institute an action at law against such owner, owners or occupants to recover the cost thereof, which remedy shall be in addition to the right to assess the cost as a lien against the property. In no event shall such charge be less than \$75.

B. No costs assessed herein shall be added to the tax bill nor shall any legal action be instituted by the City to recover such costs until the owner(s) or occupant(s) to be charged have been afforded an

opportunity to be heard at a hearing convened by the Commissioner or his/her designee(s) in accordance with rules promulgated by the Commissioner to effectuate the same. A defense to an action instituted by the City as herein provided shall be the physical impairment of the owner or occupant.

Majority Leader Herring referred Ordinance 38.91.17 to the Committee on Law, Buildings and Code Enforcement for further consideration.

Council Member Applrys moved to amend Ordinance 37.82.17, and as amended requested passage and a roll call vote thereon.

Ordinance 37.82.17 (As Amended)*

AN ORDINANCE AMENDING PART 1 (DEPARTMENT OF POLICE) OF CHAPTER 42 (DEPARTMENT AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VIII (IDENTIFICATION OF LAW ENFORCEMENT OFFICERS)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Part 1 of Chapter 42 of the Code of the City of Albany is hereby amended by adding a new Section 42-54-1 to read as follows:

Section 42-54-1. In order to foster trust between the community and the police department and to increase transparency in police practices, the department shall maintain a policy requiring sworn officers to provide members of the public with whom they have had an interaction with a business card, even in the absence of a request, in situations that do not result in an arrest or summons. The term interaction shall be defined in the department's standard operating procedures. Such business cards shall include the name, rank and command of the officer, and the contact information for the Citizens' Police Review Board established in accordance with Article XLIV of Part 33 of this chapter.

Section 2. Severability. If any provision of this ordinance, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, such holding shall not affect, impair or invalidate any portion of or the remainder of this ordinance, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situations shall not be affected.

Section 3. This ordinance shall take effect ninety days after enactment into law.

**Ordinance 37.82.17 was co-sponsored by Council Members Bailey, Golby, Kimbrough and Kornegay*

President Pro Tem Conti called for a roll-call vote thereon and the ordinance was adopted.

Affirmative: 11 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applrys, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien, Robinson

Majority Leader Herring held the remaining ordinances on the agenda for further consideration.

Consideration of Resolutions

Majority Leader Herring made a motion to request Majority Consent to add Resolutions 51.91.17R and 52.91.17R to the agenda for introduction. The motion was duly seconded and adopted by unanimous voice vote.

Council Member Kimbrough (on behalf of Council Member Bailey) offered Resolution 51.91.17R, requested passage and a vote thereon.

Resolution Number 51.91.17R (MC)

RESOLUTION HONORING PILLARS OF THE ARBOR HILL COMMUNITY

WHEREAS, the Sons of Arbor Hill is an important organization of the City of Albany community in that they conduct and support local cultural and charitable events for community businesses and public services; and

WHEREAS, Mount Olive Southern Missionary Baptist Church was founded in Newton Hook, New York in 1939 by Reverend Walter Love and in 1942, the church moved to Third Street in Albany, New York. The Mount Olive Southern Missionary Baptist Church is an important member of the City of Albany community. The Church through its members work with local schools as participants with mentoring programs, reading programs, discipline programs, and financial support for special school projects, partner with the Whitney Young Health Center for flu shot clinics and special health presentations, provide a weekly meetings spot for Narcotics Anonymous meetings, provide weekly or monthly visits to hospitals, nursing facilities or homes of members for prayer and to serve Holy Communion, organize clothing, food, and holiday donations; and

WHEREAS, Donald Ivy Jr. was an important member of the Arbor Hill community who served in the United States Navy; and

WHEREAS, Dr. Odell Wesley Surgick was the pastor at Mount Olive Southern Missionary Baptist Church and was a distinguished man of God that has always given enlightenment, guidance and wisdom to the many who has been entrusted to his care and has administered abundantly and unstintingly to the spiritual needs of all; and; and

WHEREAS, the Franze family who established F. Franze and Son grocery store and was a tireless supporter of many neighborhood organizations as well as a developer and promoter of the Arbor Hill community; and

WHEREAS, The Willingham family including Deaconess Pauline and Deacon Delos Willingham and their twelve children have all served the Arbor Hill community including by founding Mount Olive Southern Missionary Baptist Church, organizing the "Stop the Violence" basketball tournaments, as well as numerous community picnics and events.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby commemorates the Sons of Arbor Hill, Donald Ivy Shaw Jr., Mount Olive Southern Missionary Baptist Church, Dr. Odell Wesley Surgick, the Franze family, and the Willingham family and recognizes their contributions to the people of the City of Albany.

President Pro Tem Conti called for a Voice Vote thereon and the resolution was adopted by unanimous voice vote.

Council Member Fahey offered Resolution 52.91.17R, requested passage and a vote thereon.

Resolution Number 52.91.17R (MC)

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO ADJUSTMENTS IN SALARIES PURSUANT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ALBANY AND SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), SCHOOL CROSSING OFFICERS FOR THE 2017 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, in order for the terms of the agreement that was collectively bargained between the City and the Service Employees International Union (SEIU), School Crossing Officers to be satisfied, the adjustments in the salaries addressed by the agreement that affect salary totals for the 2017 budget year must be authorized by the Common Council.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for those positions addressed by the Memorandum of Agreement between the City of Albany and Service Employees International Union (SEIU), School Crossing Officers for the 2017 budget year.

**Resolution 52.91.17 was co-sponsored by Council Members Conti, Kimbrough and Kornegay*

President Pro Tem Conti called for a roll-call vote thereon and the resolution was adopted.

Affirmative: 11 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applyrs, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien, Robinson

Majority Leader Herring noticed Resolution 48.81.17R* (**RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF SERENA JOYCE WHITE AS A MEMBER OF THE ZONING BOARD OF APPEALS**), which had been previously introduced, requested passage and a vote thereon

**Resolution 48.81.17R was co-sponsored by Council Members Applyrs, Doesschate, Golby, Kimbrough, and Kornegay*

President Pro Tem Conti called for a roll-call vote thereon and the resolution was adopted.

Affirmative: 11 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applyrs, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien, Robinson

Majority Leader Herring noticed Resolution 49.81.17R* (**RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF RICHARD BERKLEY AS A MEMBER OF THE ZONING BOARD OF APPEALS**), which had been previously introduced, requested passage and a vote thereon

**Resolution 48.81.17R was co-sponsored by Council Members Applyrs, Conti, Doesschate, Fahey Golby, Kimbrough, and Kornegay*

President Pro Tem Conti called for a roll-call vote thereon and the resolution was adopted.

Affirmative: 11 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applyrs, Conti, Doesschate, Fahey, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien, Robinson

Majority Leader Herring held the remaining resolutions on the agenda for further consideration.

Miscellaneous or Unfinished Business

None

Adjournment

There being no further business, Majority Leader Herring made a motion to adjourn which was duly seconded and adopted by unanimous voice vote; the meeting adjourned at approximately 7:30pm.

*Respectfully Submitted
Gerald Campbell
Clerk to the Common Council*